

State Public Defender Response

Budget Subcommittee Questions

- 1) How many new FTE positions have you added since 2007? Will you provide a listing of all FTE positions complete with job titles, salary and benefits for the position and whether the position is filled? If it is not filled, how long has the FTE position been open?

Since 2007, the State Public Defender has added one FTE. This position, an IT Support Worker 2, was filled by an individual who had been working as a temporary data entry person with the State Public Defender for several years.

- 2) How will you implement the across the board cut?

The State Public Defender will implement the 12/08 across-the-board cut by taking the following actions, to the extent possible, with regard to the State Public Defender operations and the Indigent Defense Fund:

State Public Defender:

- Do not fill the State Public Defender position
- Eliminate all lead-worker pay and responsibility
- Close Keokuk Office and reassign one clerical position
- Reduce deposition and transcript costs
- Reduce postage
- Reduce office supplies
- Replace vacancies replaced at a lower salary
- Restrict 0.50 FTEs to 40 hours per pay period (currently working more)
- Delay server upgrades in field offices

Indigent Defense:

- Reassign the equivalent of 2 FTE's from Civil Commitment Unit and 1 FTE from the Central Office Administration to temporarily handle cases in the field.
- Reduce payments to outside contractors by 10% (Linn County Advocate, Drake Legal Clinic and Youth Law Center)
- Reassign existing field office attorneys to expand service areas and to handle more expensive cases in existing service areas

- 3) Will you provide us with the list of suggested cuts you provided to the Governor in November / December of 2008?

See response to question 2.

- 4) If you were forced to cut your budget by 10 percent, what suggestions would you have to reduce the budget and / or reduce the responsibilities of your department?

Because of the constitutional and statutory mandates to provide effective assistance of counsel to indigent persons facing loss of liberty, there is no realistic possibility of reducing the responsibilities of the State Public Defender/Indigent Defense System.

Because public defenders handling cases is less expensive than having private court appointed attorneys handling the cases, cutting public defender positions would actually cost the state money. The most fiscally responsible way to achieve such a drastic budget reduction is in the area of the Indigent Defense Fund.

A portion of this reduction may be achieved by the State Public Defender entering into relatively exclusive contract for specific services by attorneys for a fix fee. This arrangement would require a great deal of oversight by the State Public Defender to insure that quality of representation was maintained by the private attorneys. This would require legislative action.

The vast majority of the reduction, however, could only be achieved by reducing the hourly rate paid to private attorneys doing indigent defense cases. This also would take legislative action to either reduce the rates statutorily, or to eliminate the statutory rate altogether and give the State Public Defender the right to set the rates administratively.

- 5) What assets does your department have that can be leased or sold? What services do you provide that could be privatized or outsourced?

The State Public Defender has no equipment which could be leased or sold. Privatization or outsourcing of all indigent defense services would not be cost effective.